

**OFFICIAL JOURNAL**  
**OF THE**  
**HOUSE OF**  
**REPRESENTATIVES**  
**OF THE**  
**STATE OF LOUISIANA**

**FOURTH DAY'S PROCEEDINGS**

**Thirty-first Extraordinary Session of the Legislature**  
**Under the Adoption of the**  
**Constitution of 1974**

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Monday, April 1, 2002

The House of Representatives was called to order at 4:00 P.M.,  
by the Honorable Charlie DeWitt, Speaker of the House of  
Representatives.

**Morning Hour**

**ROLL CALL**

The roll being called, the following members answered to their  
names:

**PRESENT**

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kennard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker

Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright

Total—105

ABSENT

Total—0

The Speaker announced that there were 105 members present  
and a quorum.

**Prayer**

Prayer was offered by Rep. Kenney.

**Pledge of Allegiance**

Rep. Dartez led the House in reciting the Pledge of Allegiance  
to the Flag of the United States of America.

**Reading of the Journal**

On motion of Rep. Frith, the reading of the Journal was  
dispensed with.

On motion of Rep. Frith, the Journal of March 27, 2002, was  
adopted.

**Introduction of Resolutions,  
House and House Concurrent**

The following members introduced the following entitled House  
and House Concurrent Resolutions, which were read the first time by  
their titles and placed upon the calendar for their second reading:

**HOUSE CONCURRENT RESOLUTION NO. 29—**

BY REPRESENTATIVE PERKINS

**A CONCURRENT RESOLUTION**

To encourage researchers engaged in stem cell research to use human  
adult tissues or placental tissues obtained after informed consent  
has been given and to discourage such researchers from using  
human embryonic or human fetal tissues.

Read by title.

On motion of Rep. Perkins, and under a suspension of the rules,  
the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 30—**

BY REPRESENTATIVE CROWE

**A CONCURRENT RESOLUTION**

To memorialize congress to adopt and submit to the states for  
ratification a proposed amendment to the United States  
Constitution permitting prayer and recognition of religious  
beliefs on public property, including schools.

Read by title.

On motion of Rep. Crowe, and under a suspension of the rules,  
the above resolution was referred to the Committee on Education,  
under the rules.

**Introduction of House Bills  
and Joint Resolutions**

The following named members introduced the following entitled  
House Bills and Joint Resolutions which were read the first time by  
their titles and placed upon the calendar for their second reading and,

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under a suspension of the rules, were referred to committee as follows:

### **HOUSE BILL NO. 150—** BY REPRESENTATIVE PRATT

#### **AN ACT**

To amend and reenact R.S. 33:9092(A), (D)(2), and (F)(1), relative to neighborhood security districts; to change the name of the Garden District's Security Special Taxing District; to change the qualifications for membership on the board of directors of the district; to authorize the renewal of the district's special tax or fee; to provide for the term of the district's special tax or fee; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

### **HOUSE BILL NO. 151—** BY REPRESENTATIVE SALTER

#### **AN ACT**

To enact Subpart B-33 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.611 through 130.616, to create the Toledo Bend Interstate Compact District as a special district for industrial, commercial, tourism, and economic development purposes; to create and provide relative to the composition, appointment, and terms of office of the Toledo Bend Interstate Compact Commission as the governing authority of the district; to provide for the powers, duties, functions, and responsibilities of the district and the commission; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

### **HOUSE BILL NO. 152—** BY REPRESENTATIVES PIERRE, DEWITT, AND DANIEL

#### **AN ACT**

To amend and reenact R.S. 30:21(B)(1)(a), relative to fees charged by the office of conservation, Department of Natural Resources; to increase the maximum amount which may be generated by certain fees on oil and gas production; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Natural Resources.

### **HOUSE BILL NO. 153—** BY REPRESENTATIVES PIERRE, DEWITT, AND DANIEL

#### **AN ACT**

To amend and reenact R.S. 30:124, relative to mineral lease of public lands; to authorize the State Mineral Board to increase certain mineral production fees; and to provide for related matters.

Read by title.

### **HOUSE BILL NO. 154—** BY REPRESENTATIVES PIERRE, DEWITT, AND DANIEL

#### **AN ACT**

To amend and reenact R.S. 30:124, 125, 126, 127(C), 128(A), 129(A), 130, 136.3(B), and 209(2) and (4), relative to functions of the office of mineral resources, Department of Natural Resources; to authorize the office to perform certain functions and to charge a fee for performance of such functions; to

provide for the deposit of such fees; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Natural Resources.

## **Senate Bills and Joint Resolutions on Second Reading to be Referred**

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

### **SENATE BILL NO. 38—** BY SENATOR MCPHERSON

#### **AN ACT**

To amend and reenact Sections 1 and 2 of Act 484 of the 2001 Regular Session of the Legislature which authorizes and empowers the Board of Commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District to exchange title to certain properties in Rapides Parish with the Hemphill Star Church and Hemphill Star Cemetery; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

### **SENATE BILL NO. 47—** BY SENATOR BARHAM

#### **AN ACT**

To enact R.S. 40:1300.143(3)(a)(vii), relative to the Rural Preservation Act; to provide for changes to the criteria used to define rural hospitals; to provide for retroactive application; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

## **House Bills and Joint Resolutions on Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

### **HOUSE BILL NO. 149 (Substitute for House Bill No. 59 by Representative Hebert)—** BY REPRESENTATIVE HEBERT

#### **AN ACT**

To amend and reenact R.S. 22:1401(J), relative to insurance rate filings; to limit the number of filings; to provide changes in rates; to provide for limits; to provide for approval; to provide for the commissioner of insurance; to provide for actuarial justification; to provide for notice; and to provide for related matters.

Read by title.

On motion of Rep. Hebert, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **Suspension of the Rules**

On motion of Rep. Sneed, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

### **Suspension of the Rules**

On motion of Rep. Hammett, the rules were suspended in order to take up and consider Reports of Committees at this time.

### **Reports of Committees**

The following reports of committees were received and read:

#### **Report of the Committee on Environment**

April 1, 2002

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Environment to submit the following report:

House Bill No. 97, by Damico  
Reported with amendments. (10-1) (Regular)

House Bill No. 99, by Damico  
Reported favorably. (11-0) (Regular)

House Bill No. 131, by Thompson  
Reported with amendments. (11-0) (Regular)

House Bill No. 143, by Damico  
Reported favorably. (10-0) (Regular)

N. J. DAMICO  
Chairman

#### **Report of the Committee on Ways and Means**

April 1, 2002

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

House Bill No. 17, by Scalise  
Reported with amendments. (12-0) (Regular)

House Bill No. 30, by Scalise  
Reported favorably. (11-0) (Regular)

House Bill No. 71, by G. Smith  
Reported favorably. (13-0) (Regular)

House Bill No. 73, by Murray (Joint Resolution)  
Reported favorably. (10-2-1)

House Bill No. 78, by Hammett  
Reported with amendments. (11-0) (Regular)

House Bill No. 79, by Hammett  
Reported by substitute. (12-0) (Regular)

House Bill No. 80, by Hammett  
Reported with amendments. (12-0) (Regular)

House Bill No. 116, by Pinac  
Reported favorably. (9-0-1) (Regular)

House Bill No. 120, by Landrieu  
Reported with amendments. (12-0-1) (Regular)

House Bill No. 124, by Landrieu  
Reported with amendments. (11-0-1) (Regular)

House Bill No. 126, by Murray  
Reported favorably. (12-0-1) (Regular)

BRYANT O. HAMMETT, JR.  
Chairman

### **Suspension of the Rules**

On motion of Rep. Hammett, the rules were suspended in order to take up House Bills contained in the committee report at this time.

### **House Bills and Joint Resolutions on Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

#### **HOUSE BILL NO. 17— BY REPRESENTATIVE SCALISE AN ACT**

To enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

#### **HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 17 by Representative Scalise

##### AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact", insert "amend and reenact R.S. 47:1123(4) and (5) and to"

##### AMENDMENT NO. 2

On page 1, line 3, between "residents;" and "to", insert "to provide for definitions;

##### AMENDMENT NO. 3

On page 1, line 6, between "Section 1." and "R.S. 47:1125.1", insert "R.S. 47:1123(4) and (5) are hereby amended and reenacted and"

##### AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

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### "§1123. Definitions

The following words and phrases as used in this Chapter shall have the following meanings unless the context of use clearly indicates otherwise:

\* \* \*

(4) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(5) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, television series or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state.

\* \* \*

### AMENDMENT NO. 5

On page 1, line 12, between "costs" and "equal", insert "in Louisiana"

### AMENDMENT NO. 6

On page 1, line 13, between "dollars" and "during" insert "but totals less than one million dollars"

### AMENDMENT NO. 7

On page 1, line 16, between "costs" and "equal", insert "in Louisiana"

### AMENDMENT NO. 8

On page 1, at the end of line 17, insert the following:

"For purposes of this Section, the term "total aggregate payroll" shall not include the salary of any employee whose salary is equal to or greater than one million dollars."

### AMENDMENT NO. 9

On page 2, at the end of line 14, insert "This Act shall become null and void on June 30, 2006."

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 30—**

BY REPRESENTATIVES SCALISE, BRUNEAU, CAPELLA, CLARKSON, AND TUCKER

#### AN ACT

To enact R.S. 47:301(16)(h), (22), and (23) and 305.52, relative to state and local sales and use taxes; to define tangible personal property for state sales and use tax purposes to exclude certain custom computer software; to provide that the exclusion shall be phased in over a four-year period; to allow governing authorities of political subdivisions to exempt sales of certain computer

software; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 71—**

BY REPRESENTATIVE GARY SMITH AND SENATOR CHAISSON, AND REPRESENTATIVES ALARIO, ANSARDI, DAMICO, DANIEL, FAUCHEUX, LANCASTER, MARTINY, POWELL, SCALISE, SNEED, STRAIN, TOOMY, WALSWORTH, AND WINSTON AND SENATORS FONTENOT, LAMBERT, AND LENTINI

#### AN ACT

To amend and reenact R.S. 47:6005(D), relative to the qualified recycling equipment credit; to provide that certain industries may receive one hundred percent of the credit and any credit carry-forward for a specified period; to provide that any excess credit amount over and above the amount of tax due shall be refunded to the taxpayer in the same manner as overpayments of tax; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 73—**

BY REPRESENTATIVE MURRAY

#### A JOINT RESOLUTION

Proposing to amend Article VI, Section 29(D) of the Constitution of Louisiana, relative to sales and use taxes; to provide for certain voting requirements for enacting certain tax exemptions or exclusions from sales and use taxes; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

Under the rules, the above bill was ordered engrossed and recommitment to the Committee on Civil Law and Procedure.

### **HOUSE BILL NO. 78—**

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, AND FAUCHEUX

#### AN ACT

To enact R.S. 47:301(10)(v) and to repeal R.S. 47:1124, relative to the state sales and use tax; to provide for a state sales tax exclusion for certain purchases by a motion picture production company; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 78 by Representative Hammett, et al.

**AMENDMENT NO. 1**

On page 1, delete line 2, and insert the following:

"To amend and reenact R.S. 47:1123(4) and (5), 1124, and 1125 and to enact R.S. 47:301(10)(v), relative to the state"

**AMENDMENT NO. 2**

On page 1, line 7, after "Section 1." and before "R.S. 47:301(10)(v)" insert the following:

"R.S. 47:1123(4) and (5), 1124, and 1125 are hereby amended and reenacted and"

**AMENDMENT NO. 3**

On page 1, at the end of line 17, delete "or pictures or" and on page 2, delete lines 1 through 7 in their entirety, and insert the following:

"by a motion picture production company which has been relieved from the payment of state sales and use tax under the provisions of Chapter 12 of this Title, also known as the "Louisiana Motion Picture Incentive Act". This exclusion shall be retroactively revoked if it is determined that a motion picture production company that has been relieved from payment of state sales and use tax under Chapter 12 failed to meet the conditions of such relief.

**§1123. Definitions**

The following words and phrases as used in this Chapter shall have the following meanings unless the context of use clearly indicates otherwise:

\* \* \*

(4) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(5) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, television series, or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state.

\* \* \*

**§1124. Relief from payment of state sales and use tax reimbursement**

Any motion picture production company which expends that intends to expend in the aggregate one million two hundred fifty thousand dollars or more in connection with the filming or production of one or more motion pictures in the state of Louisiana within any consecutive twelve-month period, shall, upon making application for and meeting the requirements as provided in this Chapter, be entitled to a refund of relieved from the payment of state sales and use taxes paid on funds so expended in Louisiana in connection with the filming or production of a motion picture or

pictures or commercials. The production of television coverage of news and athletic events is specifically excluded from the provisions of this Chapter. The provisions of this Chapter shall not apply to any sales and use tax levied by any local governmental subdivision.

\* \* \*

**§1125. Application for tax refund relief from the payment of state sales and use taxes**

A. Any motion picture production company that intends to film all, or parts of, a motion picture or television program in Louisiana and desires to take advantage of the be relieved from the payment of state sales and use tax refund as provided for in this Chapter shall provide an estimate of total expenditures to be made in Louisiana in connection with the filming or production of such motion picture or television program. The estimate of expenditures shall be filed with the department prior to the commencement of filming in Louisiana.

B. At the time the motion picture production company provides the estimate of expenditures to the department, it shall also designate a member, or representative, of the motion picture production company to work with the Department of Economic Development and the Department of Revenue on the reporting of expenditures and other information necessary to take advantage of the tax refund relief afforded by this Chapter.

C. Applications for the tax refund relief provided by this Chapter shall be accepted only from those motion picture production companies which report anticipated expenditures in the state which in the aggregate equal or exceed one million two hundred fifty thousand dollars in connection with the filming or production of one or more motion pictures in the state within a consecutive twelve-month period. In order to be eligible for the tax refund relief provided for by this Chapter, expenditures shall be made from a checking account at any financial institution in Louisiana. Applications shall be approved by a majority vote of the Board of Commerce and Industry, after the application has been reviewed by the board and the recommendation of the secretary of the department has been considered.

D.(1) Any motion picture production company that has been approved for relief from the payment of sales and use taxes as provided for by this Chapter and which fails to expend two hundred fifty thousand dollars within a consecutive twelve-month period shall be liable for the sales and use taxes that would have been paid had the approval not been granted. The sales and use taxes shall be considered due as of the date that a determination has been made that the motion picture production company has failed to expend two hundred fifty thousand dollars within a twelve-month period.

(2) The secretary of the Department of Revenue shall promulgate rules for the implementation of this Subsection."

**AMENDMENT NO. 4**

On page 2, at the beginning of line 8, change "Section 3." to "Section 2." and at the end of line 11, insert "This Act shall become null and void on June 30, 2006."

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

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### HOUSE BILL NO. 79—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, AND FAUCHEUX  
AN ACT

To amend and reenact R.S. 47:6007(B)(4) and (7) and (C)(1), relative to the motion picture investor tax credit; to expand the availability of the credit; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Ways and Means.

The substitute was read by title as follows:

### HOUSE BILL NO. 155 (Substitute for House Bill No. 79 by Representatives Hammett, DeWitt, Pinac, and Fauchaux)— BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, FAUCHEUX, ALARIO, BEARD, HILL, MONTGOMERY, ODINET, AND SCALISE AN ACT

To amend and reenact R.S. 47:6007(A)(1)(b), (B), (C), (E)(1) and (3), and (F), and to repeal R.S. 47:6007(D), relative to the motion picture investor tax credit; to expand the availability of the credit; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

On motion of Rep. Hammett, the substitute was adopted and became House Bill No. 155 by Rep. Hammett, on behalf of the Committee on Ways and Means, as a substitute for House Bill No. 79 by Rep. Hammett.

Under the rules, lies over in the same order of business.

### HOUSE BILL NO. 80—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, AND FAUCHEUX  
AN ACT

To enact R.S. 47:1125.1, relative to the Louisiana Motion Picture Incentive Act; to provide for a tax credit for employing Louisiana residents; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 80 by Representative Hammett, et al.

#### AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact", insert "amend and reenact R.S. 47:1123(4) and (5) and to"

#### AMENDMENT NO. 2

On page 1, line 3, between "residents;" and "to", insert "to provide for definitions;

#### AMENDMENT NO. 3

On page 1, line 6, between "Section 1." and "R.S. 47:1125.1", insert "R.S. 47:1123(4) and (5) are hereby amended and reenacted and"

#### AMENDMENT NO. 4

On page 1, between lines 6 and 7, insert the following:

#### "§1123. Definitions

The following words and phrases as used in this Chapter shall have the following meanings unless the context of use clearly indicates otherwise:

\* \* \*

(4) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(5) "Motion picture production company" means a company engaged in the business of producing nationally distributed motion pictures, videos, television series, or commercials intended for a theatrical release or for television viewing. Motion picture production company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state.

\* \* \*

#### AMENDMENT NO. 5

On page 1, line 12, after "when" delete "such payroll equals or exceeds" and insert "total production costs in Louisiana equal or exceed"

#### AMENDMENT NO. 6

On page 1, line 13, between "dollars" and "during" insert "but total less than one million dollars"

#### AMENDMENT NO. 7

On page 1, at the end of line 15, delete "such" and at the beginning of line 16, change "payroll equals or exceeds" to "total production costs in Louisiana equal or exceed"

#### AMENDMENT NO. 8

On page 1, at the end of line 16, insert the following:

"For purposes of this Section, the term "total aggregate payroll" shall not include the salary of any employee whose salary is equal to or greater than one million dollars."

#### AMENDMENT NO. 9

On page 2, at the end of line 13, insert "This Act shall become null and void on June 30, 2006."

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 97—

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 30:2011(D)(22)(c), 2014(D), 2195(B), and 2289.1(D), relative to fees paid to the Department of Environmental Quality; to authorize an increase of fees paid into the Environmental Trust Fund; to authorize an increase of fees

paid for accreditation by commercial laboratories; to authorize an increase for underground storage tank registration fees; to authorize an increase in participation fees; to provide for maximum fees; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Environment.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Environment to Original House Bill No. 97 by Representative Damico

##### AMENDMENT NO. 1

On page 2, at the end of line 3, change "\$610.00" to "\$600.00"

##### AMENDMENT NO. 2

On page 2, at the end of line 5, change "\$305.00" to "\$300.00"

##### AMENDMENT NO. 3

On page 2, at the end of line 7, change "\$244.00" to "\$240.00"

##### AMENDMENT NO. 4

On page 2, at the end of the line 9, change "\$305.00" to "\$300.00"

##### AMENDMENT NO. 5

On page 3, delete lines 18 through 21, and insert the following:

"modify any fee that is: in effect on June 30, 2002, is authorized by this Title, and is required to be deposited into the Environmental Trust Fund. Such a modification may increase the rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows: the department may increase any such fee by a maximum of twenty percent, effective on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on June 30, 2003, effective on or after July 1, 2003. The twenty percent increase shall be accompanied by an appropriation of state general funds of at least nine million nine-hundred thousand dollars for the fiscal year beginning July 1, 2002 and the ten percent increase shall be accompanied by an appropriation of general funds of at least fourteen million four-hundred thousand dollars for the fiscal year beginning July 1, 2003. Further fee increases after the increases provided in this Paragraph may only take effect upon a significant reduction in the time of processing water and air permits and a significant increase in the number of inspections conducted at regulated facilities."

##### AMENDMENT NO. 6

On page 4, line 25, after "hundred" delete "ten"

##### AMENDMENT NO. 7

On page 4, line 27, after "hundred" delete "ten"

##### AMENDMENT NO. 8

On page 5, delete line 10 in its entirety and insert the following:

"Section 2. R.S. 30:2011(D)(22)(c) and 2289.1(D) are hereby amended and reenacted to read as follows:

§2011. Department of Environmental Quality created; duties; powers; structure

\* \* \*

D. The secretary shall have the following powers and duties:

\* \* \*

(22)

\* \* \*

(c) The fee schedule authorized by Subparagraph (b) shall not exceed the following amounts:

i) Accreditation application fee ~~\$500.00~~ \$660.00  
payable every three years.

(ii)(aa) Per major test category ~~\$250.00~~ \$330.00  
payable every year, or

(bb) Minor conventional category ~~\$200.00~~ \$264.00  
payable every year.

(iii) Annual surveillance and ~~\$250.00~~ \$330.00  
evaluation applicable to minor  
conventional facilities and  
facilities applying for only one  
category of accreditation.

(iv)(aa) Proficiency samples biannually to be purchased by the  
laboratory.

(bb) Bioassay/biomonitoring annually to be purchased by the  
laboratory.

(v) Third party audit to be billed directly to the laboratory.

\* \* \*

§2289.1. Requests for review, investigation, and oversight; fees

\* \* \*

D. The department is hereby authorized to charge and collect a participation fee not to exceed ~~five~~ six hundred ~~sixty~~ sixty dollars per application for approval of an investigation plan, and a fee not to exceed ~~five~~ six hundred ~~sixty~~ sixty dollars per application for approval of a remedial action plan. The department shall promulgate rules and regulations to provide for reimbursement to the state of the actual direct costs associated with oversight of activities conducted pursuant to this Part, such as review, supervision, investigation, and monitoring. The department may only charge and collect for reasonable and appropriate oversight of activities conducted pursuant to this Part. When the department holds a public hearing, the applicant shall be responsible for the actual costs of the public hearing, including but not limited to building rental, security, court reporter, and hearing officer.

Section 3. Section 1 of this Act shall become effective on July 1, 2002.

Section 4. Section 2 of this Act shall become effective on July 1, 2003."

On motion of Rep. Damico, the amendments were adopted.

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On motion of Rep. Damico, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 99—

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 30:2205(D), relative to the Hazardous Waste Site Cleanup Fund; to remove cap on expenditures from the fund; to provide for use of the fund for costs associated with nonhazardous waste sites; to provide for promulgation of rules and regulations; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Environment.

On motion of Rep. Damico, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 116—

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 47:843(D)(2)(f), relative to tobacco tax regulations; to provide for certain cigarettes to which tax stamps shall not be affixed; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### HOUSE BILL NO. 120—

BY REPRESENTATIVE LANDRIEU  
AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 120 by Representative Landrieu

#### AMENDMENT NO. 1

On page 1, at the end of line 16, delete "seventy-five" and at the beginning of line 17, delete "percent" and insert "two million dollars"

#### AMENDMENT NO. 2

Delete pages 2 and 3, and insert the following:

"Ernest N. Morial Convention Center Phase IV Expansion Project Fund".

B.(1) (2) The monies in the New Orleans Area Tourism and Economic Development fund shall be appropriated and used to provide funds for the project and shall be administered by the Ernest N. Morial - New Orleans Exhibition Hall Authority.

B.(1) The remainder of the avails shall be deposited into a special fund hereby created in the state treasury and designated the "New Orleans Sports Franchise Fund".

(2) The monies in the fund shall be appropriated and distributed each fiscal year to the Louisiana Stadium and Exposition District for use only to fund contractual obligations of the state to any National Football League or National Basketball Association franchise located in Orleans Parish.

(3) The board of commissioners of the Louisiana Stadium and Exposition District shall have administrative responsibility and authority for the funds allocated pursuant to this Subsection.

(2) C.(1) All unexpended and unencumbered monies in the New Orleans Sports Franchise Fund at the end of the fiscal year shall be deposited into a special fund hereby created in the state treasury and designated as the "New Orleans Area Economic Development Fund". The monies in the fund shall be allocated to each state senator and state representative whose district includes all or any portion of Orleans Parish, to be administered through the Louisiana Stadium and Exposition District, hereinafter "the district", the remainder of the money in the fund after the other distributions provided for in this Subsection, to be used within Orleans Parish for the provision of grants for tourism, economic development, and other activities, all as provided in Subsection C Paragraph (2) of this Section.

C.(1) (2)(a) Of the total appropriation from the fund which has been allocated pursuant to Paragraph B(2) of this Section Subsection for the provision of grants, and which consists of monies placed into the fund on and after July 1, 1999, thirty-five percent shall be designated for grants to be selected by each state senator whose district includes all or any portion of Orleans Parish, and sixty-five percent shall be designated for grants to be selected by each state representative whose district includes all or any portion of Orleans Parish, in consultation with the board of commissioners of the district. The amount available for allocation by each senator shall be determined by dividing the population within Orleans Parish for the respective district by the total parish population and then multiplying such ratio by thirty-five percent of the total appropriation. The amount available for allocation by each representative shall be determined by dividing the population within Orleans Parish for the respective district by the total parish population and then multiplying such ratio by sixty-five percent of the total appropriation. Population data from the latest federal census shall be used in establishing allocation ratios.

(2) (b) The board of commissioners of the district shall have administrative responsibility and authority for funds allocated pursuant to Paragraph B(2) of this Section Subsection, shall consult with the appropriate representative or senator having authority to determine the grants to be distributed each year from the funds so allocated, but shall not have the authority to expend, obligate, allocate, or otherwise control any of such funds except as specifically provided in this Subsection.

(3) (c) Grants shall be available for activities, projects, or programs undertaken for a public purpose, including but not limited to tourism, recreation, economic development, capital outlay, education, and services for youth and the elderly.



~~(4)~~ (d) Grants shall be exclusively available to public and private nonprofit entities, and such funds shall be expended only for a public purpose. No grantee which is a private, nonprofit corporation shall be involved in any political activity. "Political activity" shall mean an effort to support or oppose a proposition or the election of a candidate for political office or to support or oppose a particular political party in an election.

~~(5)~~ (3) The board of commissioners of the district shall develop a grant application process which shall be used by entities seeking grants. Grant applications shall include at a minimum:

(a) A detailed narrative describing the grant applicant, the proposed activity or project and its value, and the objectives to be accomplished through the use of grant funds.

(b) A detailed budget for the activity or project, including measurable indicators of achievement of performance expectations.

(c) If the grant applicant is a private, nonprofit entity, information on the entity's purpose, its size, the names and addresses of the members of its governing body, and its taxpayer identification number.

~~(6)~~ (4) The board of commissioners of the district shall monitor and evaluate the use of grant funds. The grantee shall cooperate in providing any information requested by the district relative to the funded activity. Each grantee shall be subject to audit by the legislative auditor in accordance with R.S. 24:513.

~~(7)~~ (5) Following a hearing and upon a finding that any grant provided pursuant to this Subsection is not in compliance with the requirements of this Subsection, the board of commissioners of the district, with the concurrence of the representative or senator whose funds were provided, may revoke further funding of such grant.

~~§~~ (6) All unexpended and unencumbered monies in the fund at the end of any fiscal year shall remain in the fund. All monies remaining in the fund which are to be used in Orleans Parish for provision of grants as provided in ~~Paragraph (B)(2) of this Section Subsection~~, which are unexpended and unencumbered at the end of the fiscal year, shall remain in the fund solely for use for such grants, and shall be incorporated into the amounts available for appropriation for such grants in the next fiscal year. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the state general fund, and all interest earned shall be deposited into the fund."

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 124—**  
BY REPRESENTATIVES LANDRIEU AND MURRAY  
AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174

and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to provide for additional bonding capacity of the authority; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 124 by Representatives Landrieu and Murray

AMENDMENT NO. 1

On page 3, line 17, change "1%" to "one percent"

AMENDMENT NO. 2

On page 4, line 15, after "hundred" and before "dollars" insert "thousand"

AMENDMENT NO. 3

On page 4, line 26, after "kindergartens" and before the semicolon ";", insert "and pre-kindergartens"

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 126—**  
BY REPRESENTATIVES MURRAY AND LANDRIEU  
AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 131—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 40:4.10, relative to medical waste; to require landowners who store infectious medical waste to notify the public; to provide for notice to certain public agencies; to provide for a penalty for violation of the notice requirement; and to provide for related matters.

Read by title.

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Reported with amendments by the Committee on Environment.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Environment to Original House Bill No. 131 by Representative Thompson

#### AMENDMENT NO. 1

On page 1, delete lines 10 through 13 and insert the following:

"property has been, or is being used, for storage of infectious medical waste, as defined by R.S. 40:4(A)(2)(b), or has been identified by the department as a storage facility"

#### AMENDMENT NO. 2

On page 1, at the beginning of line 15 delete "identification of the"

#### AMENDMENT NO. 3

On page 2, line 6, after "given to" change "a" to "the"

#### AMENDMENT NO. 4

On page 2, line 13, after "removal" change "from" to "by"

#### AMENDMENT NO. 5

On page 2, line 16, delete "potential"

#### AMENDMENT NO. 6

On page 2, line 18, delete "potential"

#### AMENDMENT NO. 7

On page 2, line 21, after "notice" insert a comma ,"

#### AMENDMENT NO. 8

On page 2, line 27, after "notice" insert a comma ,"

#### AMENDMENT NO. 9

On page 3, line 4, change "may pose a potential" to "pose a"

#### AMENDMENT NO. 10

On page 3, at the end of line 11, delete the colon :" insert "meeting both of the following criteria:"

#### AMENDMENT NO. 11

On page 3, at the end of line 12, change "no" to "not"

#### AMENDMENT NO. 12

On page 3, line 14, change "Kilograms" to "kilograms"

#### AMENDMENT NO. 13

On page 3, line 17, change "their" to "his"

#### AMENDMENT NO. 14

On page 3, between lines 20 and 21, insert the following:

"(6) A medical facility located at a commercial or industrial site used primarily to administer medical services to site personnel."

On motion of Rep. Damico, the amendments were adopted.

On motion of Rep. Damico, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 143—**

BY REPRESENTATIVE DAMICO

#### AN ACT

To amend and reenact R.S. 30:2412(1) and to enact R.S. 30:2412(1.1), (9.1), and (24.1) and 2418(M), relative to the disposal of waste tires; to provide for definitions; to provide for criminal penalties for fraudulent violations of the Waste Tire Program; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Environment.

On motion of Rep. Damico, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **House Bills and Joint Resolutions on Third Reading and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

#### **Regular Calendar**

#### **HOUSE BILL NO. 44—**

BY REPRESENTATIVE TRICHE

#### AN ACT

To enact R.S. 47:322.45 and 332.51, relative to the disposition of certain sales tax collections on hotel occupancy in Lafourche Parish; to establish the Lafourche Parish Association for Retarded Citizens (ARC) Training and Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for the use of the monies in the fund; and to provide for related matters.

Read by title.

Rep. Triche moved the final passage of the bill.

#### **ROLL CALL**

The roll was called with the following result:

#### YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter

Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kennard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Fauchoux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Früge	Nevers	Wright
Total—105		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Triche moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 45—**

BY REPRESENTATIVES ALARIO, MURRAY, LANDRIEU, K. CARTER, AND HEATON

AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to provide for additional bonding capacity of the authority; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Murray, the bill was returned to the calendar.

**HOUSE BILL NO. 46—**

BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, AND HEATON

AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Murray, the bill was returned to the calendar.

**HOUSE BILL NO. 61—**

BY REPRESENTATIVES JOHNS AND HEBERT

AN ACT

To amend and reenact R.S. 32:900(L)(2), relative to automobile liability policies; to provide for driver exclusions; to provide for agreements; and to provide for related matters.

Read by title.

Rep. Robert Carter sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative R. Carter to Engrossed House Bill No. 61 by Representatives Johns and Hebert

**AMENDMENT NO. 1**

On page 1, at the end of line 3, add "to provide relative to application;"

**AMENDMENT NO. 2**

On page 2, after line 7, add the following:

"Section 2. The provisions of this Act shall be prospective in application and shall not be retroactive."

On motion of Rep. Robert Carter, the amendments were adopted.

Rep. Johns moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Pierre
Alexander, E	Glover	Pinac
Alexander, R	Green	Pitre
Ansardi	Guillory	Powell
Baldone	Hammett	Pratt
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Riddle
Bowler	Honey	Romero
Broome	Hopkins	Salter
Bruce	Hudson	Scalise
Bruneau	Hutter	Schneider
Capella	Iles	Schwegmann

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Carter, K	Jackson, L	Shaw
Carter, R	Jackson, M	Smith, G.—56th
Cazayoux	Johns	Smith, J.D.—50th
Clarkson	Katz	Smith, J.H.—8th
Crane	Kenney	Smith, J.R.—30th
Crowe	LaFleur	Sneed
Curtis	Lancaster	Stelly
Damico	Landrieu	Strain
Daniel	LeBlanc	Swilling
Dartez	Lucas	Thompson
Devillier	Martiny	Toomy
Diez	McCallum	Townsend
Doerge	McDonald	Triche
Downer	McVea	Tucker
Durand	Montgomery	Waddell
Erdey	Morrell	Walsworth
Farrar	Morrish	Welch
Faucheux	Murray	Winston
Flavin	Nevers	Wooton
Frith	Odinet	Wright

Total—102

NAYS

Total—0

ABSENT

Frige	Hunter	Kennard
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Johns moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### HOUSE BILL NO. 67—

BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, HEATON, DEWITT, HAMMETT, AND CLARKSON  
AN ACT

To amend Act No. 22 of the 2001 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto new Sections; to add projects for the Louisiana Stadium and Exposition District for upgrades of the New Orleans Arena and for an indoor football practice facility for the New Orleans Saints; and to provide for related matters.

Read by title.

Rep. Murray moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Green	Pierre
Alario	Guillory	Pinac
Alexander, R	Hammett	Pratt
Ansardi	Heaton	Richmond
Baylor	Hebert	Riddle
Bowler	Hudson	Salter
Broome	Hunter	Scalise
Bruce	Hutter	Schwegmann
Bruneau	Jackson, L	Smith, G.—56th
Capella	Jackson, M	Smith, J.D.—50th
Carter, K	Johns	Smith, J.R.—30th

Carter, R	Kenney	Sneed
Cazayoux	LaFleur	Stelly
Clarkson	Lancaster	Strain
Curtis	Landrieu	Swilling
Damico	LeBlanc	Thompson
Diez	Lucas	Toomy
Durand	Martiny	Townsend
Faucheux	McDonald	Tucker
Flavin	Montgomery	Welch
Frith	Morrell	Winston
Frige	Murray	Wooton
Glover	Odinet	Wright

Total—69

NAYS

Alexander, E	Futrell	Pitre
Baldone	Gallot	Powell
Baudoin	Hill	Quezaire
Beard	Hopkins	Romero
Crane	Iles	Schneider
Crowe	Katz	Shaw
Daniel	Kennard	Smith, J.H.—8th
Dartez	McCallum	Triche
Devillier	McVea	Waddell
Doerge	Morrish	Walsworth
Erdey	Nevers	
Farrar	Perkins	
Total—34		

ABSENT

Downer	Honey
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Murray moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### Suspension of the Rules

On motion of Rep. Wright, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

### HOUSE BILL NO. 69—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 40:1299.41(J), 1299.44(A)(5)(c) through (g) and (D)(2)(b)(v) and (vii), and 1299.47(A)(2)(b) and (3)(introductory paragraph) and to repeal R.S. 40:1299.44(A)(5)(h), relative to the Patient's Compensation Fund; to provide for procedures for contracting for services; to provide for minimum qualifications and standards for lawyers; to provide for the payment of expenses; to provide for the employment and delegation of authority to a claims manager; to provide certain procedures for the filing of claims; and to provide for related matters.

Read by title.

Rep. Cazayoux sent up floor amendments which were read as follows:

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt to Engrossed House Bill No. 69 by Representative DeWitt

AMENDMENT NO. 1

On page 1, delete line 4 in its entirety and insert:

"paragraph), relative to the"

AMENDMENT NO. 2

On page 5, line 2, after "of the" delete "claim" and insert "request"

AMENDMENT NO. 3

On page 5, delete line 10 in its entirety

On motion of Rep. Cazayoux, the amendments were adopted.

Rep. Cazayoux moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kenard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright
Total—105		

**NAYS**

Total—0

**ABSENT**

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Cazayoux moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVE HEBERT

**AN ACT**

To amend and reenact R.S. 22:1078(B)(3)(a), (9), (10), and (11) and to enact R.S. 22:1078(G), relative to fees and licenses of the Department of Insurance; to modify, increase, and add to certain fee schedules of the Department of Insurance; to authorize rule adoption and promulgation; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Hebert, the bill was returned to the calendar.

**HOUSE BILL NO. 103—**

BY REPRESENTATIVES LEBLANC, MURRAY, AND WELCH

**AN ACT**

To appropriate funds from certain sources to be allocated to designated agencies and designated purposes in specific amounts for the purpose of making supplemental appropriations for the funding of said agencies and purposes during the 2001-2002 Fiscal Year; and to provide for related matters.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Alexander, E	Green	Pitre
Alexander, R	Guillory	Powell
Ansardi	Hammett	Pratt
Baldone	Heaton	Richmond
Baylor	Honey	Riddle
Bowler	Hudson	Salter
Bruce	Hunter	Scalise
Bruneau	Hutter	Schwegmann
Capella	Jackson, L	Smith, G.—56th
Carter, K	Jackson, M	Smith, J.D.—50th
Carter, R	Johns	Smith, J.H.—8th
Cazayoux	Katz	Smith, J.R.—30th
Clarkson	Kenney	Sneed
Crane	LaFleur	Strain
Curtis	Lancaster	Swilling
Damico	Landrieu	Thompson
Daniel	LeBlanc	Toomy
Dartez	Lucas	Townsend
Diez	Martiny	Tucker
Durand	McCallum	Walsworth
Faucheux	Montgomery	Welch
Flavin	Morrell	Winston
Frith	Murray	Wooton
Fruge	Odinet	Wright
Total—78		

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### NAYS

Baudoin	Hebert	Quezaire
Beard	Hill	Romero
Crowe	Hopkins	Schneider
Devillier	Iles	Shaw
Doerge	Kennard	Triche
Erdey	Morrish	Waddell
Farrar	Nevers	
Futrell	Perkins	
Total—22		

### ABSENT

Broome	McDonald	Stelly
Downer	McVea	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### Suspension of the Rules

On motion of Rep. Kennard, and under a suspension of the rules, the above roll call was corrected to reflect him as voting nay.

### Suspension of the Rules

On motion of Rep. Wright, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

### HOUSE BILL NO. 104—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, BAYLOR, GLOVER, HILL, L. JACKSON, AND MONTGOMERY  
AN ACT

To enact R.S. 47:301(10)(a)(v), relative to sales and use taxes; to provide for exclusions from the tax for certain capital expenditures by biotechnology companies; to provide an effective date; and to provide for related matters.

Read by title.

Rep. Hammett moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

### YEAS

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Alexander, E	Green	Pitre
Alexander, R	Guillory	Powell
Ansardi	Hammett	Pratt
Baldone	Heaton	Quezaire
Baudoin	Hebert	Richmond
Baylor	Hill	Riddle
Beard	Honey	Romero
Bowler	Hopkins	Salter
Broome	Hudson	Scalise
Bruce	Hunter	Schneider
Bruneau	Hutter	Schwegmann
Capella	Iles	Shaw
Carter, K	Jackson, L	Smith, G.—56th

Carter, R	Jackson, M	Smith, J.D.—50th
Cazayoux	Johns	Smith, J.H.—8th
Clarkson	Katz	Smith, J.R.—30th
Crane	Kennard	Sneed
Crowe	Kenney	Stelly
Curtis	LaFleur	Strain
Damico	Lancaster	Swilling
Daniel	Landrieu	Thompson
Dartez	LeBlanc	Toomy
Devillier	Lucas	Townsend
Diez	Martiny	Triche
Doerge	McCallum	Tucker
Durand	McDonald	Waddell
Erdey	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Futrell	Perkins	
Total—103		

### NAYS

Total—0

### ABSENT

Downer	McVea
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### HOUSE BILL NO. 105—

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, K. CARTER, DANIEL, DURAND, FARRAR, HILL, L. JACKSON, MONTGOMERY, ODINET, AND TOWNSEND  
AN ACT

To enact Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2351 through 2354, relative to providing for the Technology Commercialization Credit Program; to provide legislative findings and purposes; to provide definitions; to provide for the establishment of the Technology Commercialization Credit Program; to provide for the technology commercialization credit; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Hammett moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

### YEAS

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell

Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kennard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Früge	Nevers	Wright
Total—105		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 106—**

BY REPRESENTATIVES HAMMETT, DEWITT, PINAC, ALARIO, HILL, MONTGOMERY, AND ODINET

**AN ACT**

To enact R.S. 47:6015, relative to tax exemptions; to authorize the Department of Economic Development to award certain tax credits to qualified taxpayers for increasing research activities; to provide for certain rules and procedures for awarding credits; to provide for the maximum amount of the tax credits awarded; and to provide for related matters.

Read by title.

Rep. Hammett moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre

Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kennard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Früge	Nevers	Wright
Total—105		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 118—**

BY REPRESENTATIVES GLOVER, HAMMETT, DEWITT, PINAC, ALARIO, BAYLOR, HILL, L. JACKSON, MONTGOMERY, AND ODINET

**AN ACT**

To amend and reenact R.S. 51:1784(C) and Section 4 of Act No. 46 of the 2000 Regular Session of the Legislature, relative to economic development activities of the state; to provide for the source of data used in applying criteria for qualifying for the enterprise zone program; to provide for certain tax credits available to employers for new jobs created in the state; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Glover moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

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### YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw
Cazayoux	Jackson, M	Smith, G.—56th
Clarkson	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Crowe	Kennard	Smith, J.R.—30th
Curtis	Kenney	Sneed
Damico	LaFleur	Stelly
Daniel	Lancaster	Strain
Dartez	Landrieu	Swilling
Devillier	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Downer	McCallum	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright
Total—105		

### NAYS

Total—0

### ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Glover moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### HOUSE BILL NO. 132—

BY REPRESENTATIVES LEBLANC, DEWITT, AND HAMMETT  
AN ACT

To amend and reenact R.S. 39:137(A) through (C) and (F) and to repeal R.S. 39:137(E); relative to the Deficit Elimination/Capital Outlay Escrow Replenishment Fund; to provide for use of monies in the fund; and to provide for related matters.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

### YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Pratt
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Riddle
Broome	Hopkins	Romero
Bruce	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schwegmann
Carter, K	Iles	Shaw
Carter, R	Jackson, L	Smith, G.—56th
Cazayoux	Jackson, M	Smith, J.D.—50th
Clarkson	Johns	Smith, J.H.—8th
Crane	Katz	Smith, J.R.—30th
Crowe	Kennard	Sneed
Curtis	Kenney	Stelly
Damico	LaFleur	Strain
Daniel	Lancaster	Swilling
Dartez	Landrieu	Thompson
Devillier	LeBlanc	Toomy
Diez	Lucas	Townsend
Doerge	Martiny	Triche
Downer	McCallum	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walsworth
Farrar	Montgomery	Welch
Faucheux	Morrell	Winston
Flavin	Morrish	Wooton
Frith	Murray	Wright
Fruge	Nevers	
Total—104		

### NAYS

Schneider  
Total—1

### ABSENT

Total—0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### HOUSE BILL NO. 45—

BY REPRESENTATIVES ALARIO, MURRAY, LANDRIEU, K. CARTER,  
AND HEATON

### AN ACT

To amend and reenact Sections 20 and 23 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, and Act Nos. 1174



and 1176 of the 1997 Regular Session of the Legislature, relative to the Ernest N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the authority, including authorization for the levy and collection of an additional tax on hotel occupancy and a food and beverage tax; to provide for the issuance of bonds and other obligations of the authority to finance expansion projects; to provide for additional bonding capacity of the authority; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Alario sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed House Bill No. 45 by Representative Alario

##### AMENDMENT NO. 1

On page 4, line 13, change "thousand hundred" to "hundred thousand"

On motion of Rep. Alario, the amendments were adopted.

Rep. Faucheux sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Faucheux to Engrossed House Bill No. 45 by Representative Alario

##### AMENDMENT NO. 1

On page 4, line 22, after "hereof" and before ". However" insert "and shall not mean or incude convenience stores or grocery stores"

On motion of Rep. Faucheux, the amendments were adopted.

Rep. Murray sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray, Bruneau, Morrell, and Heaton to Engrossed House Bill No. 45 by Representative Alario, et al.

##### AMENDMENT NO. 1

On page 1, line 15, after "occupancy" delete the remainder of the line and on line 16, delete "and beverage tax"

##### AMENDMENT NO. 2

On page 3, line 15, after "of" and before "percent" delete "one" and insert "two"

##### AMENDMENT NO. 3

On page 4, delete lines 4 through 27, and on page 5, deletes lines 1 through 6

##### AMENDMENT NO. 4

On page 5, at the beginning of line 7, change "D." to "C.(1)"

##### AMENDMENT NO. 5

On page 5, line 8, after "hereof" delete the remainder of the line and delete line 9 in its entirety and insert "by resolutions adopted"

##### AMENDMENT NO. 6

On page 5, at the end of line 12, delete "and" and delete line 13 and 14 in their entirety and on line 15, delete "beverage tax"

##### AMENDMENT NO. 7

On page 5, line 17, after "occupancy" and before "authorized" delete "and food and beverage taxes" and insert "tax"

##### AMENDMENT NO. 8

On page 5, line 18, after "occupy" delete the remainder of the line and delete lines 19 through 21 and insert "tax."

##### AMENDMENT NO. 9

On page 5, between lines 21 and 22, insert:

"(2)(a) Seventy-five percent of the avails of the tax authorized by Section 20(B) shall be retained by the authority.

(b) Twenty-five percent of the avails of the tax shall be deposited in the New Orleans Area Economic Development Fund to be administered according to the provisions of R.S. 47:322.38."

##### AMENDMENT NO. 10

On page 6, line 2, after "all" and before "revenues" insert "available"

Rep. Tucker asked for and obtained a division of the question.

Rep. Murray moved adoption of Amendment Nos. 9 and 10.

#### Point of Order

Rep. Alario asked for a ruling from the Chair as to whether the above Amendments Nos. 9 and 10 were germane to the call.

#### Ruling of the Chair

The Chair ruled that the above Amendments Nos. 9 and 10 were not germane to the call.

On motion of Rep. Murray, the Amendments Nos. 9 and 10 were withdrawn.

On motion of Rep. Murray, Amendments Nos. 1, 2, 3, 4, 5, 6, 7, and 8 were withdrawn.

Rep. Murray sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Murray, Bruneau, Morrell, and Heaton to Engrossed House Bill No. 45 by Representative Alario, et al.

##### AMENDMENT NO. 1

On page 1, line 15, after "occupancy" delete the remainder of the line and on line 16, delete "and beverage tax"

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### AMENDMENT NO. 2

On page 4, delete lines 4 through 27, and on page 5, deletes lines 1 through 6

### AMENDMENT NO. 3

On page 5, at the beginning of line 7, change "D." to "C.(1)"

### AMENDMENT NO. 4

On page 5, line 8, after "hereof" delete the remainder of the line and delete line 9 in its entirety and insert "by resolutions adopted"

### AMENDMENT NO. 5

On page 5, at the end of line 12, delete "and" and delete line 13 and 14 in their entirety and on line 15, delete "beverage tax"

### AMENDMENT NO. 6

On page 5, line 17, after "occupancy" and before "authorized" delete "and food and beverage taxes" and insert "tax"

### AMENDMENT NO. 7

On page 5, line 18, after "occupy" delete the remainder of the line and delete lines 19 through 21 and insert "tax."

Rep. Murray moved the adoption of the amendments.

Rep. Alario objected.

By a vote of 38 yeas and 66 nays, the amendments were rejected.

Rep. Richmond sent up floor amendments which were read as follows:

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Richmond to Engrossed House Bill No. 45 by Representative Alario

### AMENDMENT NO. 1

On page 3, at the end of line 6, insert the following:

"In purchasing or contracting for goods and services for the design and construction phase of the expansion project, the authority shall ensure that, as near as practicable, women and minorities shall participate in contracts, procurement, goods, services and employment in percentages which closely resemble the demographics of the City of New Orleans as a whole."

### **Point of Order**

Rep. Alario asked for a ruling from the Chair as to whether the above amendments were germane to the call.

### **Ruling of the Chair**

The Chair ruled that the above amendments were germane to the call.

Rep. Richmond moved the adoption of the amendments.

Rep. Alario objected.

By a vote of 34 yeas and 66 nays, the amendments were rejected.

Rep. Heaton sent up floor amendments which were read as follows:

### **HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Heaton to Engrossed House Bill No. 45 by Representative Alario

### AMENDMENT NO. 1

On page 4, line 13, change "two" to "five"

On motion of Rep. Heaton, the amendments were adopted.

Rep. Alario moved the final passage of the bill, as amended.

### **ROLL CALL**

The roll was called with the following result:

#### **YEAS**

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Alexander, E	Green	Pitre
Alexander, R	Guillory	Powell
Ansardi	Hammett	Pratt
Baldone	Heaton	Quezaire
Baylor	Hebert	Richmond
Bowler	Hill	Riddle
Broome	Honey	Salter
Bruce	Hunter	Scalise
Bruneau	Hutter	Schneider
Capella	Iles	Schwegmann
Carter, K	Jackson, L	Smith, G.—56th
Carter, R	Jackson, M	Smith, J.D.—50th
Cazayoux	Johns	Smith, J.R.—30th
Clarkson	Katz	Sneed
Damico	Kenney	Stelly
Daniel	LaFleur	Strain
Dartez	Lancaster	Swilling
Devallier	Landrieu	Thompson
Diez	LeBlanc	Toomy
Doerge	Lucas	Townsend
Durand	Martiny	Tucker
Erdey	McCallum	Walsworth
Farrar	McDonald	Welch
Faucheux	McVea	Winston
Flavin	Montgomery	Wooton
Frith	Morrell	Wright
Futrell	Murray	
Total—86		

#### **NAYS**

Baudoin	Fruge	Perkins
Beard	Hopkins	Shaw
Crane	Kennard	Smith, J.H.—8th
Crowe	Morrish	Triche
Curtis	Nevers	Waddell
Downer	Odinet	
Total—17		

#### **ABSENT**

Hudson	Romero
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### Suspension of the Rules

On motion of Rep. Schneider, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

#### HOUSE BILL NO. 46—

BY REPRESENTATIVES MURRAY, ALARIO, LANDRIEU, K. CARTER, AND HEATON

#### AN ACT

To amend and reenact R.S. 47:322.38, relative to the state sales and use tax on hotel occupancy levied in Orleans Parish; to provide for the use of the avails of the tax; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Murray sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 46 by Representative Murray

##### AMENDMENT NO. 1

On page 1, line 17, after "funds" delete the remainder of the line, and on page 2, delete lines 1 through 3, and insert the following:

"to the Department of Economic Development for economic development projects in Orleans Parish to be determined by the legislature at the 2002 Regular Session."

Rep. Murray moved the adoption of the amendments.

Rep. Alario objected.

By a vote of 21 yeas and 81 nays, the amendments were rejected.

Rep. LeBlanc sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 46 by Representative Murray

##### AMENDMENT NO. 1

On page 3, at the end of line 13, insert:

"transferred or deposited as hereinafter provided."

(a) The state treasurer shall first transfer to the state general fund an amount of such unexpended and unencumbered monies equal to the amounts actually expended by the state for reimbursement to the Charlotte NBA Hornets Limited Partnership of the NBA application fee and for transitional and relocation expenses incurred in relocating to New Orleans. Such transfers shall not exceed one million seven hundred fifty thousand dollars in the aggregate.

(b) After satisfying the requirement of Subparagraph (a) of this Paragraph, the remainder of such unexpended and unencumbered monies shall be"

##### AMENDMENT NO. 2

On page 3, line 23, change "Section" to "Subsection"

##### AMENDMENT NO. 3

On page 3, line 25, after "to" delete the remainder of the line and insert:

"Paragraph (1)(b) of this Subsection"

##### AMENDMENT NO. 4

On page 4, delete line 17 and insert:

"to Paragraph (1)(b) of this Subsection, shall consult with"

##### AMENDMENT NO. 5

On page 6, at the end of line 6 delete "this" and at the beginning of line 7, delete "Subsection" and insert "Paragraph (1)(b) of Subsection"

Rep. LeBlanc moved the adoption of the amendments.

Rep. Richmond objected.

By a vote of 96 yeas and 8 nays, the amendments were adopted.

Rep. Odinet sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Odinet to Engrossed House Bill No. 46 by Representative Murray, et al.

##### AMENDMENT NO. 1

On page 3, at the end of line 13, insert the following:

"allocated for planning or construction of a professional automobile racetrack in Orleans Parish, or shall be"

On motion of Rep. Odinet, the amendments were adopted.

Rep. Alario sent up floor amendments which were read as follows:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed House Bill No. 46 by Representative Murray

##### AMENDMENT NO. 1

On page 3, at the end of line 8, insert "However, the team practice facility or corporate headquarters for a National Football League franchise may be located elsewhere in the state of Louisiana."

On motion of Rep. Alario, the amendments were adopted.

Rep. Morrell sent up floor amendments which were read as follows:

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### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 46 by Representative Murray

#### AMENDMENT NO. 1

On page 6, between lines 12 and 13, insert the following:

"Section 2. Notwithstanding any other provision of law to the contrary, no legislator may be employed by or contract with any National Football League or National Basketball Association franchise located in this state until five years after termination of office."

#### AMENDMENT NO. 2

On page 6, line 13, change "Section 2." to "Section 3."

On motion of Rep. Morrell, the amendments were withdrawn.

Rep. Murray moved the final passage of the bill, as amended.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. Speaker	Glover	Perkins
Alario	Green	Pierre
Alexander, E	Guillory	Pinac
Ansardi	Hammett	Powell
Baldone	Heaton	Pratt
Baylor	Hebert	Quezaire
Bowler	Honey	Richmond
Broome	Hudson	Riddle
Bruce	Hunter	Salter
Bruneau	Hutter	Scalise
Capella	Jackson, L	Schwegmann
Carter, K	Jackson, M	Smith, G.—56th
Carter, R	Johns	Smith, J.D.—50th
Cazayoux	Katz	Smith, J.H.—8th
Clarkson	Kenney	Sneed
Curtis	LaFleur	Stelly
Damico	Lancaster	Strain
Daniel	Landrieu	Swilling
Dartez	LeBlanc	Thompson
Diez	Lucas	Toomy
Doerge	Martiny	Townsend
Durand	McVea	Tucker
Faucheux	Montgomery	Welch
Flavin	Morrell	Winston
Frith	Murray	Wooton
Gallot	Odinet	
Total—77		

#### NAYS

Baudoin	Futrell	Pitre
Beard	Hill	Schneider
Crane	Hopkins	Shaw
Crowe	Iles	Triche
Devillier	Kennard	Waddell
Downer	McCallum	Walsworth
Erdey	McDonald	Wright
Farrar	Morrish	
Fruge	Nevers	
Total—25		

### ABSENT

Alexander, R  
Total—3

Romero

Smith, J.R.—30th

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Murray moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

### Suspension of the Rules

On motion of Rep. Schneider, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

### Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

### Message from the Senate

#### HOUSE CONCURRENT RESOLUTIONS

April 1, 2002

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Concurrent Resolutions:

House Concurrent Resolution No. 26  
Returned without amendments.

House Concurrent Resolution No. 28  
Returned without amendments.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

### Message from the Senate

#### SIGNED SENATE CONCURRENT RESOLUTIONS

April 1, 2002

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 6, 7, 8, 9, 10, 11, 12, 14, and 15

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

### Message from the Senate

#### ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

April 1, 2002

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 4 and 21

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

### Suspension of the Rules

On motion of Rep. Schneider, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

### Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

#### SENATE CONCURRENT RESOLUTION NO. 4— BY SENATOR SCHEDLER

##### A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Health and Welfare and the House Committee on Health and Welfare to meet jointly to study and make recommendations regarding Medicaid reimbursement for well baby nursery days.

Read by title.

On motion of Rep. Schneider, and under a suspension of the rules, the resolution was concurred in.

#### SENATE CONCURRENT RESOLUTION NO. 21— BY SENATOR MOUNT

##### A CONCURRENT RESOLUTION

To commend and congratulate Ralph Eggleston for his Academy Award win for Best Animated Short Film.

Read by title.

On motion of Rep. Flavin, and under a suspension of the rules, the resolution was concurred in.

### Message from the Senate

#### SENATE BILLS

April 1, 2002

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 10, 16, 17, 21, 22, 30, 33, 37, 44, 45, 46, 48, 58, 61, 68, 69, and 80

Respectfully submitted,

MICHAEL S. BAER, III  
Secretary of the Senate

### Senate Bills and Joint Resolutions on Second Reading to be Referred

Rep. Bruneau asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just received from the Senate with a view of advancing same, which were taken up, read, and referred to committees, as follows:

#### SENATE BILL NO. 10—

BY SENATOR HOYT

##### AN ACT

To enact R.S. 40:4.10, relative to medical waste; to require landowners who store infectious medical waste to notify the public; to provide for notice to certain public agencies; to provide for a penalty for violation of the notice requirement; and to provide for related matters.

Read by title.

### Motion

On motion of Rep. Bruneau, the bill was returned to the calendar.

#### SENATE BILL NO. 16—

BY SENATOR THEUNISSEN

##### AN ACT

To amend and reenact R.S. 34:2102, relative to the compensation of members of the board of commissioners of the West Calcasieu Port, Harbor, and Terminal District; to provide for a maximum per diem of such members; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

#### SENATE BILL NO. 17—

BY SENATOR THOMAS

##### AN ACT

To amend and reenact R.S. 46:1053(D)(1), relative to the Washington Parish Hospital Service District Number One; to increase the membership of the board of commissioners for the district; to add a member from the active medical staff of the Riverside Medical Center; to provide for the manner of appointment; to provide for the term of service; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

**SENATE BILL NO. 21—**

BY SENATORS SCHEDLER AND ULLO  
AN ACT

To amend and reenact R.S. 15:587(A)(1)(b) and (c), and (B) and R.S. 40:1300.52(B)(2), and to enact R.S. 15:598, relative to the Louisiana Bureau of Criminal Identification and Information; to provide with respect to criminal history checks; to provide for fees for civil applicant processing; to create the Criminal Identification and Information Fund in the state treasury; to provide for the purpose, appropriation, and investment of monies in the fund; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

**SENATE BILL NO. 22—**

BY SENATORS SCHEDLER, HAINKEL AND THOMAS  
AN ACT

To enact R.S. 13:961(F)(1)(n), relative to courts and judicial procedure; to provide with respect to court reporters; to provide for the compensation of court reporters in the Twenty-Second Judicial District Court; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

**SENATE BILL NO. 30—**

BY SENATOR HAINKEL  
AN ACT

To enact R.S. 47:463.108, relative to motor vehicles license plates; to provide for a special prestige license plate for breast cancer awareness; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

**SENATE BILL NO. 33—**

BY SENATOR B. JONES  
AN ACT

To amend and reenact R.S. 17:24.10(A), (B), (C)(1)(a) and (c), (6), (7), and (8), (D)(1)(a) and (b), and (2), (E)(2), (F), (G), (H)(3), (4), and (5), (I)(1), (3), (5)(b)(i), (ii), (v), and (6), and (J), to enact R.S. 17:24.10(D)(6) and to repeal R.S. 17:24.10(I)(1)(d), relative to early childhood development and enrichment activity classes; to provide relative to the reference to such classes; to provide relative to waivers for certain aspects of such classes; to provide relative to space and facilities for such classes; to provide relative to notice regarding certain aspects of such classes; to provide relative to partial participation in such classes; to provide relative to the funding for such classes and the expenditure of funds made available; to provide relative to funding preferences; to provide relative to annual renewal of participants; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Education.

**SENATE BILL NO. 37—**

BY SENATOR HAINKEL  
AN ACT

To enact R.S. 13:721 and 722 and to repeal R.S. 13:719 and 720, relative to the Twenty-Second Judicial District Court; to provide for the office of commissioner for the Twenty-Second Judicial District Court in criminal matters; to provide for the selection and removal of the commissioner from office; to provide for the qualifications of office, salary, related benefits, expenses of office, and office space; to provide for the sources of funding for the commissioner and his office and employees; to provide for the duties and powers of the commissioner; to provide for conduct of proceedings by the commissioner upon consent of the parties; to provide for delays to traverse the findings and to provide for hearings thereon; to provide for the authority of a judge to accept, reject, or modify the findings; to repeal provisions providing for the existing office of commissioner; to provide for effective dates; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

**SENATE BILL NO. 44—**

BY SENATOR HEITMEIER  
AN ACT

To enact R.S. 35:408, relative to notaries public; to authorize the appointment of Crescent City Connection police officers as ex officio notaries public for certain official functions; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

**SENATE BILL NO. 45—**

BY SENATOR FONTENOT  
AN ACT

To amend and reenact R.S. 46:1053(Y), relative to Hospital Service District Number One of East Baton Rouge Parish; to increase the membership of the board of commissioners; to provide relative to the terms of office of the members of the board of commissioners; to provide that one member shall be a physician; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

**SENATE BILL NO. 46—**

BY SENATOR FONTENOT  
AN ACT

To amend and reenact R.S. 9:2799(A)(1), relative to limitation of liability for damages from donated food; to provide with respect to the donation of food by a food service establishment or restaurant without incurring liability for damages; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

**SENATE BILL NO. 48—**

BY SENATORS SCHEDLER AND THOMAS  
AN ACT

To amend and reenact R.S. 33:9039.4(A)(3) and (4), relative to the East Florida Parishes Retirement District; to provide certain criteria for approved retirement community development areas; to clarify the authority of the district and the parishes to determine eligibility for certain local sales and use tax refunds; to provide for the procedure in which tax refunds are made; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

**SENATE BILL NO. 58—**

BY SENATOR SMITH  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the City Court of Natchitoches; to increase the jurisdictional amount in dispute for civil jurisdiction; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

**SENATE BILL NO. 61—**

BY SENATORS BAJOE AND JOHNSON  
AN ACT

To enact R.S. 13:2496.3, relative to the Municipal Court of New Orleans; to create the office of first appearance hearing officer; to authorize the judges of the court to appoint the hearing officer; to provide for qualifications for office; to provide for salary of office; to provide for duties of office; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

**SENATE BILL NO. 68—**

BY SENATORS SCHEDLER, HINES AND B. JONES  
AN ACT

To enact Chapter 11-F of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1901, relative to the creation of the Louisiana Health Works Commission; to provide for membership of the commission; to provide for compensation for members; to provide for staff and facilities; to provide for powers and duties of the commission, including the creation of the Allied Health Workforce Council; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

**SENATE BILL NO. 69—**

BY SENATORS SCHEDLER AND THOMAS AND REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 33:172, relative to annexation by municipalities; to provide for annexation of property by municipalities; to provide for growth management agreements; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

**SENATE BILL NO. 80—**

BY SENATORS C. JONES AND CRAVINS  
AN ACT

To amend and reenact R.S. 40:966(B)(2) and 967(F)(3)(c) and to enact R.S. 40:966(B)(3), relative to the Uniform Controlled Dangerous Substances Law; to provide with respect to sentencing for certain violations of the Uniform Controlled Dangerous Substances Law; to revise the sentence for distribution or possession with intent to distribute marijuana; to provide with respect to the crime of and applicable sentence for possession of gamma hydroxybutyric acid (GHB); to provide for the effectiveness of such changes; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

**Introduction of Resolutions,  
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

**HOUSE CONCURRENT RESOLUTION NO. 31—**

BY REPRESENTATIVE BROOME  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to support the Act to Leave No Child Behind.

Read by title.

On motion of Rep. Broome, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 32—**

BY REPRESENTATIVES THOMPSON AND WELCH  
A CONCURRENT RESOLUTION

To urge and request the Children's Cabinet Advisory Board to examine the six YouthBuild programs currently existing in Louisiana, to determine which are the most successful and why, to make recommendations for the expansion of the YouthBuild program to other areas of the state, and to report its findings to the legislature prior to the convening of the 2003 Regular Session.

Read by title.

On motion of Rep. Thompson, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 33—**

BY REPRESENTATIVE SCHNEIDER  
A CONCURRENT RESOLUTION

To recognize May 6 through May 12, 2002, as Public Service Recognition Week.

Read by title.

On motion of Rep. Schneider, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVES WALSWORTH AND KATZ

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress and the United States Department of the Interior to rename the Tensas River National Wildlife Refuge the Theodore Roosevelt National Wildlife Refuge.

Read by title.

On motion of Rep. Walsworth, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 35—**

BY REPRESENTATIVE DOWNER

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to empower the Department of Transportation and the United States Postal Service to work together to establish uniform standards for the construction and placement of mailboxes along highways across America.

Read by title.

On motion of Rep. Downer, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 36—**

BY REPRESENTATIVE DOWNER

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to work with the United States Postal Service to develop uniform standards regarding the placement and design of curbside mailboxes along state and federal highways, and to request that the Department of Transportation and Development create a pamphlet regarding such mailboxes, and to request otherwise relative to such mailboxes.

Read by title.

On motion of Rep. Downer, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 37—**

BY REPRESENTATIVE L. JACKSON

**A CONCURRENT RESOLUTION**

To commend Dr. Leonard C. Barnes, former chancellor of Southern University at Shreveport, upon the occasion of a special evening of tribute honoring his remarkable career.

Read by title.

On motion of Rep. Lydia Jackson, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Introduction of House Bills  
and Joint Resolutions**

The following named members introduced the following entitled House Bills and Joint Resolutions which were read the first time by their titles and placed upon the calendar for their second reading and, under a suspension of the rules, were referred to committee as follows:

**HOUSE BILL NO. 156—**

BY REPRESENTATIVE HILL AND SENATOR HINES

**AN ACT**

To enact R.S. 36:509(R) and Part XXV of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.171 through 3087.185; to create the Allen Parish Reservoir District as a political subdivision and state agency; to provide for a board of commissioners for the district; to provide for the powers and duties of the district including the power to levy taxes and issue bonds; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

**HOUSE BILL NO. 157—**

BY REPRESENTATIVE CRANE

**AN ACT**

To enact R.S. 39:98.1(E), relative to tobacco settlement proceeds; to authorize the state treasurer to establish a trust or other fund in the state treasury into which funds shall be deposited on behalf of certain school systems; to authorize the establishment within such trust or fund of separate accounts for each such school system; to authorize investment of monies in such trust or fund; to provide for the deposit and allowable use of monies in the trust or fund; to establish a program to assist investing school systems to stabilize earnings from the Education Excellence Fund and to expand programs for preparation of certain at-risk children for school; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Education.

**HOUSE BILL NO. 158—**

BY REPRESENTATIVE LEBLANC

**AN ACT**

To amend and reenact R.S. 51:1286(C), relative to the tax levied by the Louisiana Tourism Promotion District; to provide for deposit and use of such monies; to provide for appropriations for certain tourism purposes; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

**HOUSE BILL NO. 159—**

BY REPRESENTATIVE JACK SMITH

**AN ACT**

To repeal Act No. 142 of the 2001 Regular Session and to authorize and provide for the transfer or lease of certain state property in St. Mary Parish to the Port of West St. Mary from the division of administration; and to provide for related matters.

Read by title.



Under the rules, the above bill was referred to the Committee on Natural Resources.

**HOUSE BILL NO. 160—**

BY REPRESENTATIVE LEBLANC

AN ACT

To amend and reenact R.S. 39:75(A)(3) and to enact R.S. 39:2(5.1) and (48), relative to the avoidance of budget deficits; to provide for certain definitions; to provide for the budget status report; to provide for the presentation of the CAFR of the state to the committee; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

**HOUSE BILL NO. 161—**

BY REPRESENTATIVE POWELL

AN ACT

To authorize and provide for the transfer or lease of certain state property in Tangipahoa Parish to the city of Hammond from the Southeastern Louisiana University; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Education.

**HOUSE BILL NO. 162—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 47:1835(B) and 1838(4), relative to the Tax Commission Expense Fund; to provide that certain unexpended and unencumbered monies shall remain in the fund at the close of each fiscal year; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

**HOUSE BILL NO. 163—**

BY REPRESENTATIVE TOWNSEND AND SENATOR SMITH

AN ACT

To authorize the Natchitoches Parish School Board to sell, transfer, assign, exchange, or otherwise negotiate the disposal of a certain parcel of land to the state of Louisiana or to the city of Natchitoches; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Education.

**HOUSE BILL NO. 164—**

BY REPRESENTATIVES DANIEL AND DEWITT

AN ACT

To amend and reenact R.S. 31:149(A) and to repeal R.S. 31:149(B)(3), (C), and (D) and 149.1 through 151, relative to prescription of mineral rights; to provide for the imprescriptibility of mineral rights on land acquired by government agencies or other specified nongovernmental entities; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

**HOUSE BILL NO. 165—**

BY REPRESENTATIVE FARRAR

AN ACT

To amend and reenact R.S. 26:271, relative to alcoholic beverage permits; to raise certain permit fees for dealers in beverages of low alcoholic content; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

**HOUSE BILL NO. 166—**

BY REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 51:2453(1)(a)(xvi), relative to the Louisiana Quality Jobs Program Act; to add to the list of industries which may qualify for benefits; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

**HOUSE BILL NO. 167—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:569.1, relative to hours for the execution of death sentences; to amend the hours during which death sentences shall be executed; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

**HOUSE BILL NO. 168—**

BY REPRESENTATIVE LEBLANC AND SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 39:87.5 and to enact R.S. 39:87.6, relative to governmental performance and accountability; to provide for implementation and administration of the Exceptional Performance and Efficiency Incentive Program; to provide for deposit and use of monies in the Incentive Fund; to establish and provide for implementation and administration of the Gainsharing Program; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

**HOUSE BILL NO. 169—**

BY REPRESENTATIVE LEBLANC

AN ACT

To amend and reenact R.S. 25:1223.1(A) and 1224(A)(10), and to enact R.S. 25:1222(C), 1223(A)(3), 1224(A)(14), Part II of Chapter 26 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1226 through 1226.6, and R.S. 36:209(M)(3), relative to economic development; to provide for the abolishment of the Atchafalaya Trace advisory board; to provide relative to the membership of the Atchafalaya Trace Commission; to provide for the duties and authority of the commission; to create the Atchafalaya Trace Heritage Area Development Zone; to provide for legislative findings and

purposes; to provide for definitions; to create the Atchafalaya Trace Heritage Area Development Zone Review Board and provides for its membership, duties, meetings, bylaws, and transfer; to provide for additional authorities of the commission; to provide for tax benefits for heritage-based concerns located in the development zone; to provide for a formal review and approval process; to allow the Department of Economic Development and the State Board of Commerce and Industry to adopt and promulgate certain rules; to allow the sell of tax credits; to provide for violations and penalties; to provide for the termination and evaluation of the program; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

### **Reports of Committees**

The following reports of committees were received and read:

#### **Report of the Committee on Transportation, Highways and Public Works**

April 1, 2002

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

House Bill No. 3, by Crowe  
Reported favorably. (8-0-1) (Regular)

House Bill No. 4, by Dartez  
Reported with amendments. (8-0-1) (Regular)

House Bill No. 8, by Johns  
Reported favorably. (7-1-1) (Regular)

House Bill No. 41, by R. Alexander  
Reported favorably. (9-0-1) (Regular)

House Bill No. 48, by Baldone  
Reported favorably. (9-0-1) (Regular)

House Bill No. 68, by Schwegmann  
Reported with amendments. (9-0-1) (Regular)

House Bill No. 84, by Diez  
Reported with amendments. (8-0-1) (Regular)

House Bill No. 92, by Alario  
Reported favorably. (8-0-1) (Regular)

House Bill No. 100, by Damico  
Reported favorably. (8-0-1) (Regular)

House Bill No. 109, by Quezaire  
Reported favorably. (7-1-1) (Regular)

House Bill No. 137, by Quezaire  
Reported favorably. (8-0-1) (Regular)

House Bill No. 139, by Diez  
Reported with amendments. (8-0-1) (Regular)

House Bill No. 148, by Tucker  
Reported favorably. (9-0-1) (Regular)

JOHN C. DIEZ  
Chairman

### **Suspension of the Rules**

On motion of Rep. Diez, the rules were suspended in order to take up House Bills contained in the committee report at this time.

### **House Bills and Joint Resolutions on Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

#### **HOUSE BILL NO. 3— BY REPRESENTATIVE CROWE AN ACT**

To enact R.S. 47:463.108, relative to motor vehicle prestige license plates; to provide for the creation of an In God We Trust prestige license plate; to provide for the issuance of such plate; to provide relative to the fees for such plate; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

#### **HOUSE BILL NO. 4— BY REPRESENTATIVE DARTEZ AN ACT**

To designate a bridge located along old U.S. 90, in Amelia, Louisiana, which crosses Bayou Boeuf in Assumption and St. Mary parishes, as the Earl "Tutum" Bergeron Bridge; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

### **HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 4 by Representative Dartez

#### **AMENDMENT NO. 1**

On page 1, at the beginning of line 4, delete ""Tutum" Bergeron" and insert ""Tuttum" Bergeron and Janet Marcel"

#### **AMENDMENT NO. 2**

On page 1, line 8, after "Earl" delete the remainder of the line and insert the following:

""Tuttum" Bergeron and Janet Marcel Bridge."

On motion of Rep. Diez, the amendments were adopted.

On motion of Rep. Diez, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 8—**

BY REPRESENTATIVE JOHNS

**AN ACT**

To amend and reenact R.S. 34:2102, relative to the compensation of members of the board of commissioners of the West Calcasieu Port, Harbor, and Terminal District; to provide for a maximum per diem of such members; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 41—**

BY REPRESENTATIVE R. ALEXANDER AND SENATOR B. JONES

**AN ACT**

To designate a portion of Louisiana Highway 167 in Jonesboro, Louisiana, as the Richard Zuber Thruway; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 48—**

BY REPRESENTATIVE BALDONE AND SENATORS DUPRE AND GAUTREAUX

**AN ACT**

To amend and reenact R.S. 34:2201, relative to the Terrebonne Parish Port Commission; to provide with respect to appointment and removal of members to the commission; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 68—**

BY REPRESENTATIVE SCHWEGMANN

**AN ACT**

To enact R.S. 36:4(Y) and R.S. 47:463.60, relative to motor vehicles; to provide for the creation of the "Animal Friendly" prestige license plate; to provide for the charge of the plate; to provide relative to the minimum number of applicants for such plate; to

create the Pet Overpopulation Fund; to provide for the dedication of revenues; to provide for the Pet Overpopulation Advisory Council; to provide for the adoption of policies and procedures; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 68 by Representative Schwegmann

**AMENDMENT NO. 1**

On page 3, at the end of line 10, before the period "." insert the following:

"appointed by the secretary of the department"

**AMENDMENT NO. 2**

On page 3, at the end of line 12, before the period "." insert "appointed by the secretary of such department"

**AMENDMENT NO. 3**

On page 3, at the end of line 14, before the period "." insert "appointed by the Speaker"

**AMENDMENT NO. 4**

On page 3, at the end of line 15, before the period "." insert "appointed by the President"

**AMENDMENT NO. 5**

On page 3, line 16, after "of the" delete the remainder of the line and insert the following:

"Humane Society of Louisiana appointed by the board of such organization."

**AMENDMENT NO. 6**

On page 3, at the end of line 18, before the period "." insert "appointed by the board of such organization"

**AMENDMENT NO. 7**

On page 3, at the end of line 19, before the period "." insert "appointed by the board of such organization"

**AMENDMENT NO. 8**

On page 3, at the end of line 20, before the period "." insert "appointed by the board of the Humane Society of Louisiana"

**AMENDMENT NO. 9**

On page 3, at the end of line 21, before the period "." insert "appointed by the board of the Humane Society of Louisiana"

**AMENDMENT NO. 10**

On page 4, between lines 18 and 19, insert the following:

"§4. Structure of executive branch of state government

\* \* \*

On motion of Rep. Diez, the amendments were adopted.

Under the rules, the above bill, as amended, was ordered engrossed and recommitted to the Committee on Appropriations.

**HOUSE BILL NO. 84—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties assessed against employers of such drivers under certain circumstances; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 84 by Representative Diez

**AMENDMENT NO. 1**

On page 3, line 11, after "than" and before "dollars" change "ten thousand" to "five hundred"

On motion of Rep. Diez, the amendments were adopted.

On motion of Rep. Diez, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 92—**

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 48:461.4(a)(1), relative to outdoor advertising; to provide relative to the classification of certain illuminated signs; to require certain illuminated signs to be classified as on-premise signs by the Department of Transportation and Development; to provide for certain exemptions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 100—**

BY REPRESENTATIVE DAMICO

AN ACT

To rename Lafitte-LaRose Highway, Louisiana Highway 3134, the Des Familles Parkway; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 109—**

BY REPRESENTATIVE QUEZAIRE

AN ACT

To amend and reenact Section 3(C) of Act No. 113 of the 1950 Regular Session of the Legislature as amended by Act No. 186 of the 1970 Regular Session of the Legislature, Act No. 196 of the 1992 Regular Session of the Legislature, Act No. 953 of the 1995 Regular Session of the Legislature, and Act No. 2 of the 1998 First Extraordinary Session of the Legislature, to provide relative to the per diem paid to members of the Bayou Lafourche Freshwater District; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 137—**

BY REPRESENTATIVE QUEZAIRE

AN ACT

To amend and reenact R.S. 48:461.4(b)(3), relative to outdoor advertising; to provide that certain signs shall not be placed in a stacked configuration; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 139—**

BY REPRESENTATIVES DIEZ AND QUEZAIRE

AN ACT

To enact R.S. 48:386.1, relative to maintenance of railroad rights-of-way at public highway railroad grade crossings; to provide for definitions; to require railroads to cut vegetation and remove structures on railroad rights-of-way at public highway railroad grade crossings and within a certain proximity thereto; to require the Department of Transportation and Development to inspect and evaluate public highway railroad grade crossings for compliance purposes; to require the Department of Transportation and Development to provide to railroad companies notices of noncompliance for the maintenance of

public highway railroad grade crossing rights-of-way; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 139 by Representatives Diez and Quezaira

#### AMENDMENT NO. 1

On page 1, line 7, after "Development " and before "to" insert the following:

"and local governing authorities"

#### AMENDMENT NO. 2

On page 1, line 8, after "purposes;" delete the remainder of the line and at the beginning of line 9, delete the phrase "Transportation and Development to" and insert the following:

"to provide that the local governing authority shall"

#### AMENDMENT NO. 3

On page 1, line 11, after "rights-of-way;" and before "to" insert the following:

"to provide relative to the limitation of liability;"

#### AMENDMENT NO. 4

On page 2, delete line 18 in its entirety and insert the following:

"July 1, 2002."

#### AMENDMENT NO. 5

On page 3, line 7, change "public" to "state"

#### AMENDMENT NO. 6

On page 3, line 8, after "crossings" and before "for" insert "on state highways"

#### AMENDMENT NO. 7

On page 3, line 9, after "Section. " and before "Upon" insert the following:

"After the Department of Transportation and Development has inspected and evaluated all state highway railroad grade crossings and has found any highway railroad grade crossing not in compliance with the provisions of Subsections B and C, the department shall notify the local governing authority of such violation for purposes of notification to the appropriate railroad company. The local governing authority shall periodically inspect and evaluate all non-state highway railroad grade crossing for compliance with the provisions of Subsections B and C of this Section."

#### AMENDMENT NO. 8

On page 3, line 9, after "finding" and before "any" insert the following:

"or being informed of"

#### AMENDMENT NO. 9

On page 3, line 11, after "the" and before "shall" delete "department" and insert "local governing authority"

#### AMENDMENT NO. 10

On page 3, line 17, after "civil" and before "of" delete "penalty" and insert "fine"

#### AMENDMENT NO. 11

On page 3, between lines 19 and 20 insert the following:

"E. In no event shall failure to comply with the provisions of Subsection D of this Section be considered as comparative negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence."

On motion of Rep. Diez, the amendments were adopted.

On motion of Rep. Diez, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 148—**

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 47:820.5(B)(2)(a)(x), relative to the Greater New Orleans Mississippi River Bridges; to authorize the use of certain revenues from the Greater New Orleans Mississippi River Bridges to upgrade the Peters Road rail corridor; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

### **House and House Concurrent Resolutions**

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

#### **Motion**

On motion of Rep. Crane, the Committee on Education was discharged from further consideration of House Concurrent Resolution No. 16.

### **HOUSE CONCURRENT RESOLUTION NO. 16—**

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To memorialize congress to adopt and submit to the states for ratification a proposed amendment to the United States Constitution permitting volunteer prayer in public schools.

Read by title.

**Motion**

On motion of Rep. Crane, the resolution was withdrawn from the files of the House.

**Privileged Report of the Committee on Enrollment**

April 1, 2002

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

**HOUSE RESOLUTION NO. 8—**  
BY REPRESENTATIVE SCHNEIDER  
**A RESOLUTION**

To request the House Committee on Retirement to study issues related to providing a fair and equitable means for the state to rehire retired persons when necessary, balancing the needs of the individual retiree with the needs of the employer agency and the Louisiana State Employees Retirement System; and to report its findings and recommendations to the House of Representatives prior to the convening of the 2003 Regular Session.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Privileged Report of the Committee on Enrollment**

April 1, 2002

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

**HOUSE CONCURRENT RESOLUTION NO. 22—**  
BY REPRESENTATIVES CAZAYOUX, DEVILLIER, AND QUEZAIRE  
**A CONCURRENT RESOLUTION**

To express sincere and heartfelt condolences upon the death of Donald Anthony "Donnie" Andre of Rosedale.

**HOUSE CONCURRENT RESOLUTION NO. 23—**  
BY REPRESENTATIVES CAZAYOUX, DEVILLIER, AND QUEZAIRE  
**A CONCURRENT RESOLUTION**

To express sincere and heartfelt condolences upon the death of Freddie H. Pitre, Sr. of Plaquemine.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Suspension of the Rules**

On motion of Rep. LeBlanc, the rules were suspended to permit the Committee on Appropriations to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 68, 158, 160, 162, 168 and House Bill No. 1  
(Regular Session)

Senate Bill No. 19

**Suspension of the Rules**

On motion of Rep. Hammett, the rules were suspended to permit the Committee on Ways and Means to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 166

**Suspension of the Rules**

On motion of Rep. Broome, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 151 and 169

Senate Bill Nos. 45 and 69

**Suspension of the Rules**

On motion of Rep. Schneider, the rules were suspended to permit the Committee on Retirement to meet on Tuesday, April 2, 2002.

**Suspension of the Rules**

On motion of Rep. Toomy, the rules were suspended to permit the Committee on Judiciary to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 165

Senate Bill Nos. 37 and 61

**Suspension of the Rules**

On motion of Rep. Pinac, the rules were suspended to permit the Committee on Commerce to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

Senate Bill No. 75

**Suspension of the Rules**

On motion of Rep. Johns, the rules were suspended to permit the Committee on Civil Law and Procedure to meet on Tuesday, April 2, 2002, and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill No. 73

**Adjournment**

On motion of Rep. Kenney, at 7:25 P.M., the House agreed to adjourn until Tuesday, April 2, 2002, at 4:00 P.M.

The Speaker of the House declared the House adjourned until 4:00 P.M., Tuesday, April 2, 2002.

ALFRED W. SPEER  
Clerk of the House

